

NOV 28 2005



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INTELLECTUAL PROPERTY LAW

To: U.S. Patent & Trademark Office	From: Thomas E. Toner
Attn: Tracy Vivlemore	Client: 1372.138.PRC
Fax: (571) 273-8300	Pages: 4 including coversheet
Phone: (571)272-2914	Date: November 28, 2005
Re: USSN 10/711,101	CC: University of South Florida (Assignee)

Urgent     For Review     Please Comment     Please Reply     Please Recycle

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Dear Examiner Vivlemore:

In response to the non-final office action mailed October 28, 2005, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 28, 2005 (1 page); and
2. Response to Election/Restriction Requirement (2 pages).

Very Respectfully,

Thomas E. Toner  
 Reg. No. 57,422

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NOV 28 2005

Practitioner's Docket No. 1372.183.PRC

**PATENTS**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: George Blanck et al. )  
 Serial No.: 10/711,101 ) Art Unit: 1635  
 Filed: 08/23/2004 ) Examiner: Tracy Vivlemore  
 For: OCT-1 as an Oncoprotein ) Confirmation: 5100

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Faxed to Central Fax at (571) 273-8300  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

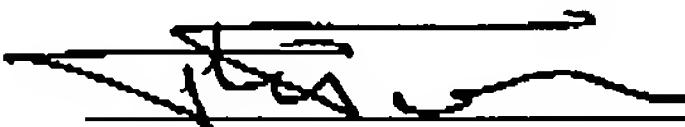
1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.  
 Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.


**SIGNATURE OF PRACTITIONER**

Thomas E. Toner  
 Smith & Hopen, P.A.  
 15950 Bay Vista Drive, Ste. 220  
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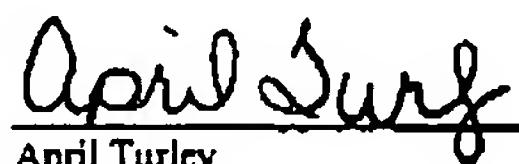
Reg. No.: 57,422  
 Customer No.: 21,901

**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Vivlemore, (571) 273-8300 on November 28, 2005.

Dated: November 28, 2005

  
 April Turley

(Amendment Transmittal—page 1)

NOV 28 2005

Practitioner's Docket No.: 1372.183.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: George Blanck et al.

Serial No.: 10/711,101

Filed: 08/23/2004

For: OCT-1 as an Oncoprotein

Art Unit: 1635

Examiner: Tracy Vivlemore

Confirmation: 5100

Faxed to Central Fax at (571) 273-8300  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed October 28, 2005, having a shortened statutory period for response set to expire November 28, 2005 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute claims 1-3, drawn to a method of modulating growth of a tumor by inhibiting OCT-1 mRNA function, classifiable in class 514, subclass 44. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH &amp; HOPEN

By: 

Thomas E. Toner  
 Reg. No. 57,422  
 Suite 220  
 15950 Bay Vista Drive  
 Clearwater, FL 33760  
 (727) 507-8558  
 Attorneys for Applicant

Dated: November 28, 2005

pc: University of South Florida (Assignee)

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Vivlemore, (571) 273-8300 on November 28, 2005.

Dated: November 28, 2005

April Turley  
April Turley